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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,270	02/20/2004	Mark Bilak	FIS920040015US1	2269

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INTERNATIONAL BUSINESS MACHINES CORPORATION
DEPT. 18G
BLDG. 300-482
2070 ROUTE 52
HOPEWELL JUNCTION, NY 12533

EXAMINER

CONNOLLY, MARK A

ART UNIT	PAPER NUMBER
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2115

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/708,270

Applicant(s)

BILAK, MARK

Examiner

Mark Connolly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-16 and 25 have been presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 12, 15-16 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujioka¹.
4. Referring to claim 1, Fujioka teaches the apparatus for adaptively controlling power consumption within an electronic system comprising:
 - a. an integrated circuit adapted to transmit voltage control information, wherein said voltage control information corresponds to a minimum operating voltage of said integrated circuit [fig. 1 and abstract].
 - b. a storage element coupled to said integrated circuit, adapted to store said voltage control information [fig. 1 and abstract].
 - c. a variable voltage regulator coupled to said integrated circuit, adapted to receive said voltage control information from said integrated circuit, and supply an operating voltage to said integrated circuit in response to and representative of said voltage control information [abstract and 0037].

¹ As cited in the previous Office Action.

d. a communication link coupled to said integrated circuit and said variable voltage regulator, adapted to link said integrated circuit to said variable voltage regulator so that said integrated circuit may transmit said voltage control information to said variable voltage regulator [0048].

In summary, Fujioka teaches a system which stores voltage control information in memory 206 and uses that information to set an operating voltage if it is determined that the operable voltage is an operable minimum voltage. Therefore, when the voltage control information represents an operable minimum voltage, the operating voltage is set to the voltage level specified by the voltage control information. Thus, the operating voltage *is representative of* the voltage control information when the voltage control information represents a minimum operating voltage

5. Referring to claim 2, Fujioka teaches the voltage control information is determined during external testing of the IC [abstract].

6. Referring to claim 3, Fujioka teaches the storage element being a non-volatile memory [0073].

7. Referring to claim 4, Fujioka teaches a temperature sensor for measuring the temperature of the integrated circuit [0037].

8. Referring to claim 5, Fujioka teaches modifying voltage control information in response to temperature data [0011].

9. Referring to claim 6, Fujioka teaches a built-in-self-test [abstract and 0055].

10. Referring to claim 7, Fujioka teaches a temperature sensor for measuring the temperature of the integrated circuit [0037].

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11. Referring to claim 8, Fujioka teaches modifying voltage control information in response to temperature data [0011].

12. Referring to claims 9-10 and 12, these are rejected on the same basis as set forth hereinabove. Fujioka teaches the apparatus and therefore teaches the method performed by the apparatus.

13. Referring to claim 13, Fujioka teaches adjusting a voltage to an integrated circuit and testing with the lowered voltage in order to determine an effective minimum voltage to be applied to the integrated circuit [0062-0063].

14. Referring to claims 15-16, these are rejected on the same basis as set forth hereinabove. Fujioka teaches the apparatus and therefore teaches the method performed by the apparatus.

15. Referring to claim 25, this is rejected on the same basis as set forth hereinabove.

The inventions are distinct, each from the other because of the following reasons:

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka as applied to claims 1-10, 12-13, 15-16 and 25 above, and further in view of DeLuca².

18. Referring to claim 11, although Fujioka teaches performing a test to determine a minimum operating voltage, it is not explicitly taught that the voltage is determined by testing

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timing critical paths of the integrated circuit. In particular, Fujioka does not teach that voltage is determined based on the speed of the integrated circuit. DeLuca teaches determining a minimum operating voltage of an integrated circuit based on a required speed [col. 2 lines 26-31 and col. 3 lines 16-17]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a means to select an appropriate minimum voltage based on speed because DeLuca explicitly teaches that under certain activities, certain speeds are required in order for the integrated circuit to operate normally.

19. Referring to claim 14, this is rejected on the same basis as set forth hereinabove.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

² As cited in the previous Office Action.

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Connolly
Examiner
Art Unit 2115

mc
February 1, 2007



CHUN CAO
PRIMARY EXAMINER